

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

N.E. COLORADO CELLULAR, INC., d/b/a)
VIAERO WIRELESS,)

Case No. 4:08cv3123

Plaintiff,)

v.)

ORDER

COUNTY OF SAUNDERS, NEBRASKA)
and BOARD OF SUPERVISORS OF THE)
COUNTY OF SAUNDERS, NEBRASKA,)

Defendants.)

THIS MATTER CAME before the Court on the parties' Joint Stipulation addressing discovery issues. The Court being duly advised in the premises, finds that the Joint Stipulation should be, and hereby is approved.

IT IS THEREFORE ORDERED that the stipulation, [filing 19](#), is approved, and discovery is permitted in this case, is as follows:

1. The parties shall be entitled to discovery related to jurisdictional questions, including those identified in Defendants' Affirmative Defenses.

2. The parties shall not be entitled to discovery related to Plaintiff's claims set forth in Plaintiff's Complaint as Count II (Telecommunications Act (Substantial Evidence)), Count IV (Telecommunications Act (Failure to Issue Written Decision)), and Count V (State Law Claims), absent further order of the Court.

3. Unless otherwise resolved by summary judgment, the parties shall be entitled to discovery related to Plaintiff's claims set forth in Plaintiff's Complaint as Count I (Telecommunications Act (Unreasonable Discrimination)), Count III (Telecommunications Act (Prohibition on Provision of Personal Wireless Services)), Count VI (Substantive Due Process), Count VII (Procedural Due Process), Count VIII (Equal Protection), and Count IX (42 U.S.C. § 1983), but such discovery shall not commence until after the Court rules on any dispositive motions filed by either party regarding the Telecommunications Act claims.

4. Initial discovery on jurisdictional issues shall be completed by October 13, 2008.

5. Motions for summary judgment and accompanying briefs in support thereof shall be filed by October 27, 2008.

6. Responsive briefs to motions for summary judgment shall be filed by November 26, 2008.

7. Reply briefs to motions for summary judgment, if any, shall be filed by December 10, 2008.

Dated: September 9, 2008.

BY THE COURT

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge

Prepared and Submitted by:

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